



WIRELESS E-911 SERVICES BOARD

September 15, 2004

10:00 a.m.

110 S. 7th Street
3rd Floor Conference Room
Richmond, Virginia 23219

Members Present:	Lem Stewart, Chairman Robert Woltz, Vice-Chairman Tracy Hanger Captain John Furlough Mary Ellen Fahed (for Stanley) John Howell	Pat Shumate Linda Cage Gaylene Kanoyton Fred Vincent
Members Absent:	Sheriff Ron Oakes	David Von Moll
Staff Present:	Steve Marzolf, Coordinator Dorothy Spears-Dean, Analyst Terry Mayo	Jerry Simonoff Sam Keys, Analyst

1. CALL TO ORDER

Lem Stewart, Chairman, called the meeting of the Board to order at 10:05 a.m.

2. APPROVAL OF JULY MINUTES

Mr. Stewart called for the approval of the July minutes. Mr. Woltz made a motion, seconded by Mr. Howell, to approve the minutes of July 21, 2004 as presented; passed 10-0-0.

3. FINANCIAL REPORT

Mr. Marzolf presented the financial report for the period ending June 31, 2004. Mr. Marzolf informed the Board that year to date total fund balance is \$10 million. (See attached report).

4. CMRS MONTHLY STATUS SUMMARY

Mr. Marzolf gave the Board a summary of the CMRS report (see attached). Mr. Marzolf also informed the Board that this was an uneventful month.

5. ANNUAL REPORT APPROVAL

Mr. Marzolf reminded the Board that at the last Board meeting (July 21, 2004) he presented his preliminary draft of the Annual Report. However, at this meeting, he is presenting changes he would like to see to the legislation. (See Attached Report). Lem Stewart began the discussion with a brief overview about VITA.

Mr. Marzolf informed the Board of seven items he would like the Board to vote on in the “Annual Report,” that he is recommending change. The changes are all highlighted in the “Annual Report” (See Attached Copy).

The Board Voted as follow:

Possible Constitutional Issue: Mr. Woltz made a motion, seconded by Mr. Shumate, that the wording of Section 56-484.17(C) remain unmodified and to direct staff to look into the language of this section with the Attorney General’s Office to address the constitutional debt issue and to bring this item before the Board at its next Board Meeting in November; approved 10-0-0.

Mr. Howell made a motion, seconded by Mr. Woltz, to remove the proposed language to shift the surcharge from a fee on the customers to a fee on the wireless carriers and to direct staff to send a letter to the telecommunications taxation reform group requesting they address the underlying constitutional issue, but without taking a position on the issue; approved 10-0-0

Government Exemption: Mr. Howell made a motion, seconded by Mr. Vincent, to include in the annual report a legislative change that would exempt federal, state and local governments from the wireless E-911 surcharge; approved 10-0-0.

Remove Deployment Exemptions: Mr. Woltz made a motion, seconded by Mr. Howell, to recommend the removal of the exemption from E-911 deployment established in 56-484.16; approved 10-0-0.

Prepaid Wireless Surcharge: Mr. Howell made a motion, seconded by Ms. Kanoyton, that the Board consider legislative change to allow an alternate method of calculating the prepaid wireless surcharge proposed by TracFone and to adjust the surcharge definition a necessary; approved 10-0-0.

Mr. Woltz made a motion, seconded by Mr. Howell, to provide clarification that the definition of a subscriber for prepaid service is to include only active accounts on the last day of the month; approved 10-0-0.

Funding Others: Mr. Woltz made a motion, seconded by Mr. Howell, to amend the legislation to authorize the Board fund other parties directly; failed 1-9-0.

Expanding The Board’s Role: Mr. Howell made a motion, seconded by Captain Furlough, that this item be tabled at this time for further study; approved 10-0-0.

Change the End of Year Audit (Adjusting True-Up Process): Captain Furlough made a motion, seconded by Mr. Vincent, to recommend changes to the legislation to allow the Board to establish the timeline for the true-up process and the explicitly authorize the Board to fund cases when an underpayment exists; approved 8-0-0.

Clarify the Appeal of Board Decisions: Mr. Howell made a motion, seconded by Ms. Kanoyton, to recommend adding “sub” in front of the word section in the last sentence of Section 56-484.17 G to clarify that the appeals process is for the subsection only; approved 8-0-0.

Ms. Cage made a motion, seconded by Ms. Kanoyton, to change “Director” to “CIO” in section 56-484.17 A; approved 8-0-0.

Ms. Kanoyton made a motion, seconded by Mr. Shumate, to remove the sentence from the Annual Report that suggests the surcharge may be reduced from \$0.75 to \$0.65; failed 3-4-1.

Mr. Vincent made a motion, seconded by Mr. Howell, to approve the Annual Report with the legislative amendments above; approved 5-2-1.

6. CMRS Funding Guidelines for FY2006

Mr. Marzolf recommended to the Board that the current CMRS Funding Guidelines (see Attached) be continued for FY2006. Captain Furlough made a motion, seconded by Ms. Kanoyton, to continue the current CMRS Funding guidelines for FY2006; passed: 8-0-0.

7. OLD BUSINESS

- a) Amended FY2005 Funding Requests – West Point: Mr. Marzolf informed the Board that West Point is requesting a funding adjustment for their mapping system. Mr. Marzolf is recommending approval of this request. Mr. Howell made a motion, seconded by Ms. Cage, that this request be approved; passed: 8-0-0.
- b) Extension Request – Russell County: Mr. Marzolf informed the Board that the wireline deployment for Russell County expired on July 1, 2004. Mr. Marzolf is recommending that the Board approved the extension. Mr. Vincent made a motion, seconded by Ms. Hanger, that the extension be approved; passed: 8-0-0.

8. NEW BUSINESS

- a) TracPhone Letter and Response: The Board said this item had already been addressed, so no discussion at this time.
- b) CMRS Subcommittee Report

Cingular Funding Submission: Mr. Marzolf informed the Board that the CMRS Subcommittee met to discuss Cingular's amended Fy2005 funding request. The subcommittee is recommending approval with the exception of the LMU costs. Mr. Shumate made a motion, seconded by Ms. Kanoyton, to accept the recommendation to the subcommittee; passed: 8-0-0.

Deadlines and Late Submission: Mr. Marzolf informed the Board that the CMRS subcommittee discussed a deadline set on late submissions. The subcommittee is proposing that the Board recommend a legislative change to limit the time PSAPs and CMRS Providers can submit a late submission. This would not impact amendments to existing requests. The recommendation is that new submissions only be accepted through the 1st of the fiscal year. This means PSAPs will still have the deadline of October 1st for on time submission and there would be a deadline of July 1st for last submissions. For carriers the on time deadline would continue to be December 31st, and late submission would need to be in by July 1st of that fiscal year. Captain John Furlough made a motion, seconded by Ms. Cage seconded the motion, to accept this recommendation; passed: 8-0-0.

- c) New Board Member: Mr. Marzolf introduced Fred Vincent as the newest Board Member. Mr. Vincent is with the Department of Emergency Management.

9. **ADJOURN MEETING OF THE BOARD**

Mr. Woltz adjourned the meeting and informed the Board and Public that the next meeting would be held November 10, 2004.

Respectfully submitted,

Approved by Board: _____
(date)